THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.9413 of 2005

Dated: 04.07.2006

Between:

Reddi Lakshmi, W/o late Surya Rao, R/o Mandapeta,E.G. District.

.... PETITIONER

AND

The Commissioner, Municipal Corporation of Rajahmundry, Rajahmundry, E.G. District.

.....RESPONDENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.9413 of 2005

Order:

Questioning the action of the respondent-Corporation in not paying the balance of gratuity and provident fund donation amount to her, the petitioner filed the present writ petition.

The petitioner states that she is the second wife of late Surya Rao, who worked as junior Assistant in the respondent-Corporation. The case of the petitioner is that after the death of her husband, the respondent-Corporation, having paid some of his terminal benefits, despite making several representations, failed to pay the balance of gratuity amount of Rs.13,300/- and provident fund donation amount of Rs.5,304.70 ps.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent-Corporation.

Learned Standing Counsel appearing on behalf of the respondent-Corporation, on instructions, submits that the petitioner is the second wife of the deceased employee, and that the first wife of the deceased employee also filed claim applications before the respondent-Corporation, and that there are civil disputes pending between them with regard to their entitlement of terminal benefits of the deceased employee, and unless and until said disputes are settled between them, it is not proper for this Court to direct the respondent-Corporation to release the said amounts in favour of the petitioner.

Admittedly, the petitioner is the second wife of the deceased employee, and according to the learned Standing Counsel for the respondent-Corporation, certain civil disputes are pending between

the petitioner herein and first wife of the deceased employee with regard to their entitlement of terminal benefits of deceased employee. Hence, unless and until said disputes are settled between them, no direction can be given by this Court directing the respondent-Corporation to pay the balance amount of gratuity and provident fund donation amount to the petitioner.

The writ petition is devoid of merit and the same is accordingly dismissed. However, the petitioner is at liberty to make a representation before the respondent-Corporation after the disputes between her and the first wife of the deceased employee are settled. No costs.

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N.V. RAMANA, J.

Date: 04.07.2006
Nsr/Ksr